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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,992	07/10/2002	Jonathan Sharp	042933/302069	3264
826 7590 03/27/2007 ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			EXAMINER PHUONG, DAI	
			ART UNIT	PAPER NUMBER
			2617	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/089,992

Applicant(s)

SHARP, JONATHAN

Examiner

Dai A. Phuong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's arguments, filed 01/11/2007, with respect to claims have been considered but are moot in view of the new ground(s) of rejection. Claim 13 has been canceled. Claims 1-12 are currently pending.

Information Disclosure Statement

2. The references listed in the Information Disclosure Statement filed on 01/11/2007 has been considered by the examiner (see attached PTO-1449 form or PTO/SB/08A and 08B).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-7 and 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakurai et al. (U.S. 6600930) in view of Barvesten (U.S. 5864765)

Regarding claim 1, Sakurai et al. disclose a portable radio communications device 1 (fig. 4A and fig. 4B, col. 17, lines 14-40), comprising:

a body 100 (fig. 4A and fig. 4B, col. 17, lines 14-50);

a cover 101 having a closed position for at least partially covering the body and an open position (fig. 4A and fig. 4B, col. 17, lines 14-50);

a display 104 and/or 105 (fig. 4A and fig. 4B, col. 17, lines 14 to col. 18, line 38); wherein

the function of the key is dependent upon the state of the device (fig. 4A and fig. 4B, col. 17, lines 14 to col. 20, line 5 and col. 27, line 60 to col. 28 line 11), and

for at least one state of the device, operation of the key controls the provision of information on the display (fig. 4A and fig. 4B, col. 17, lines 14 to col. 20, line 5 and col. 27, line 60 to col. 28 line 11);

wherein the key is arranged to be active when the cover is in the closed position and inactive when the cover is in the open position, and wherein the key is located on the cover (fig. 4A and fig. 4B, col. 17, lines 14 to col. 20, line 5 and col. 27, line 60 to col. 28 line 11).

However, Sakurai et al. do not disclose one of keys being multifunctional and in a position remote from other of said keys.

In the same field of endeavor, Barvesten discloses one of keys being multifunctional 12 and/or 14 and in a position remote from other of said keys (fig. 1 A, col. 4, lines 20 to 41).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the portable terminal of Sakurai et al. by specifically including one of keys being multifunctional and in a position remote from other of said keys, as taught by Barvesten, the motivation being in order to eliminate certain radiotelephone functions because of lack of space for keys to perform the functions and to provide a solution which does not utilize additional keys that require extra space and increase manufacturing costs.

Regarding claim 2, the combination of Sakurai et al. and Barvesten disclose all the limitations in claim 1. Further, Sakurai et al. disclose a device wherein the display comprises a portion which is visible when the cover is in the closed position, and the key is operable to controls the provision of information on the portion of the display visible when the cover is in

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the closed position (fig. 4A and fig. 4B, col. 17, lines 14 to col. 18, line 38; col. 19, line 17 to col. 20, line 5 and col. 27, line 60 to col. 28 line 11).

Regarding claim 3, the combination of Sakurai et al. and Barvesten disclose all the limitations in claim 1. Further, Sakurai et al. disclose a device which comprises a receiver (fig. 5, col. 18, line 9 to col. 19, line, 13).

Regarding claim 4, the combination of Sakurai et al. and Barvesten disclose all the limitations in claim 1. Further, Sakurai et al. disclose a device wherein, when the device is in a state corresponding to the receipt of a message, the key is operable to controls the provision of information corresponding to the message (col. 19, line 17 to col. 22, line 3).

Regarding claim 5, the combination of Sakurai et al. and Barvesten disclose all the limitations in claim 1. Further, Sakurai et al. disclose a device wherein, when the device is in a state corresponding to the receipt of a missed call, the key is operable to controls the provision of information corresponding to the missed call (col. 19, line 17 to col. 22, line 3).

Regarding claim 6, the combination of Sakurai et al. and Barvesten disclose all the limitations in claim 1. Further, Sakurai et al. disclose a device which comprises a transmitter (fig. 5, col. 18, line 9 to col. 19, line, 13).

Regarding claim 7, the combination of Sakurai et al. and Barvesten disclose all the limitations in claim 1. Further, Sakurai et al. disclose a device wherein, when the device is in an idle state, the key is operable to controls the provision of information corresponding to the last number dialed (col. 19, line 17 to col. 22, line 3).

Regarding claim 9, the combination of Sakurai et al. and Barvesten disclose all the limitations in claim 1. Further, Sakurai et al. disclose a device wherein operation of the key is a single actuation (fig. 4A and fig. 4B, col. 17, lines 14 to col. 18, line 38).

Regarding claim 10, the combination of Sakurai et al. and Barvesten disclose all the limitations in claim 1. Further, Sakurai et al. disclose a device further comprising a hinge switch for detecting when the cover makes a specific acute angle with the body (fig. 5, col. 18, line 9 to col. 19, line, 13).

Regarding claim 11, the combination of Sakurai et al. and Barvesten disclose all the limitations in claim 10. Further, Sakurai et al. disclose a device further comprising a processor for detecting, via the hinge switch, when the cover is in the open position and when the cover is in the closed position (fig. 4A and fig. 4B, col. 17, lines 14 to col. 18, line 38).

Regarding claim 12, the combination of Sakurai et al. and Barvesten disclose all the limitations in claim 11. Further, Sakurai et al. disclose a device wherein the processor is arranged to disable the multifunctional key when the cover is in the open position (fig. 4A and fig. 4B, col. 17, lines 14 to col. 18, line 38).

Regarding claim 13, the combination of Sakurai et al. and Barvesten disclose all the limitations in claim 1. Further, Sakurai et al. disclose a device wherein the multifunctional key is located on the cover (fig. 4A and fig. 4B, col. 17, lines 14 to col. 18, line 38).

5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sakurai et al. (U.S. 6600930) in view of Barvesten (U.S. 5864765) and further in view of Kim (U.S. 6519475).

Regarding claim 8, the combination of Sakurai et al. and Barvesten disclose all the limitations in claim 1. However, the combination of Sakurai et al. and Barvesten do not disclose

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a device arranged for coupling to a headset, and when the device is in a headset coupled state, key is operable to controls the provision of information corresponding to the last number dialed.

In the same field of endeavor, Kim discloses a device arranged for coupling to a headset, and when the device is in a headset coupled state, the key is operable to controls the provision of information corresponding to the last number dialed (col. 3, lines 48-54).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the portable terminal of the combination of Sakurai et al. and Barvesten by specifically including a device arranged for coupling to a headset, and when the device is in a headset coupled state, the key is operable to controls the provision of information corresponding to the last number dialed, as taught by Kim, the motivation being in order to provide the operational mode of the mobile phone to change from the telephone mode to the idle mode in response to the second mode signal.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dai A Phuong whose telephone number is 571-272-7896. The examiner can normally be reached on Monday to Friday, 9:00 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nguyen Duc can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dai Phuong

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Date: 03/09/2007



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